

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

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UFP ATLANTIC DIVISION, LLC, a)	
Michigan Limited Liability Company,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:12-CV-053 (MAD) (ATB)
)	
ROUTE 299 RETAIL CENTER, LLC,)	JUDGE MAE A. D'AGOSTINO
HIGHLAND SQUARE DEVELOPMENT, LLC,)	
MICHAEL BARNETT, DENISE BARNETT,)	
M&C OF DUTCHESS, LLC, P. SALA & SONS)	
CONSTRUCTION, INC., TECTONIC)	
ENGINEERING & SUVEYING CONSULTANTS)	
P.C., CREIGHTON MANNING ENGINEERING,)	
LLP, and JOHN DOE Nos. 1-10, said names being)	
fictitious and unknown to Plaintiff, the persons)	
or parties intended being any and all tenants,)	
occupants, persons or corporations, if any,)	
having or claiming an interest in or lien upon)	
the premises described in the Amended Complaint,)	
)	
Defendants.)	
-----X		

ANSWER

The Defendant, P. SALA & SONS CONSTRUCTION, INC. (hereinafter the "Defendant"), as and for its answer to the complaint of the Plaintiff, UFP ATLANTIC DIVISION, LLC, a Michigan Limited Liability Company (hereinafter the "Plaintiff"), alleges the following:

AS TO THE NATURE OF THIS ACTION

1. With respect to Paragraph "1" of the Complaint, the Defendant refers the Court to the referenced Complaint for the description of the allegations set forth therein.

AS TO THE PARTIES

2. The Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraphs "2," "3," "4," "5," "6," "7," "9," "10," "11," and "12" of the Complaint.

3. With respect to Paragraph "8" of the Complaint, the Defendant admits that it is a New York corporation and that it has a lien against the property described in the Complaint but denies that its lien is subordinate.

AS TO JURISDICTION AND VENUE

4. The Defendant admits each and every allegation contained in Paragraphs "13," "14," "15," "16," and "17" of the Complaint.

AS TO THE PLAINTIFF'S FIRST CAUSE OF ACTION

5. The Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraphs "18," "19," "20," "21," "22," "23," "24," "25," "26," "27," "28," "29," "30," "31," "32," "33," "34," "35," "36," "37," "38," "39," "40," "41," "42," "43," "44," "45," "46," "47," "48," "49," "50," "51," "52," "53," "54," "55," "56," "57," "58," "59," "60," "61," "62," "63," "64," "65," "66," "67," "68," "69," "70," "71," "72," "73," "74," "75," and "76" of the Complaint.

AS TO THE PLAINTIFF'S SECOND CAUSE OF ACTION

6. With regard to Paragraph "77" of the Complaint, the Defendant restates and reiterates each and every allegation contained in Paragraphs "1" through "5" of this Answer with the same force and effect as if set forth more fully at length herein.

7. The Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraphs "78," and "79" of the Complaint.

AS TO THE PLAINTIFF'S THIRD CAUSE OF ACTION

8. With regard to Paragraph "80" of the Complaint, the Defendant restates and reiterates each and every allegation contained in Paragraphs "1" through "7" of this Answer with the same force and effect as if set forth more fully at length herein.

9. The Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraphs "81" and "82" of the Complaint.

10. With respect to Paragraph "83" of the Complaint, the Defendant admits that it has a lien against the property described in the Complaint but denies that its lien is subordinate.

AS TO THE PLAINTIFF'S FOURTH CAUSE OF ACTION

11. With regard to Paragraph "84" of the Complaint, the Defendant restates and reiterates each and every allegation contained in Paragraphs "1" through "10" of this Answer with the same force and effect as if set forth more fully at length herein.

12. The Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraphs "85" and "86" of the Complaint.

AS TO THE PLAINTIFF'S FIFTH CAUSE OF ACTION

13. With regard to Paragraph "87" of the Complaint, the Defendant restates and reiterates each and every allegation contained in Paragraphs "1" through "12" of this Answer with the same force and effect as if set forth more fully at length herein.

14. The Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraphs "88," "89," "90," "91," "92," "93," "94," and "95" of the Complaint.

AS AND FOR THE DEFENDANT'S AFFIRMATIVE DEFENSE

15. The Plaintiff's Complaint fails to state a cause of action upon which relief can be granted. As such, the Defendant reserves the right to move, at or before the time for trial, to dismiss the Complaint for failure to state a claim upon which relief can be granted pursuant to Rule 12 of the Federal Rules of Civil Procedure.

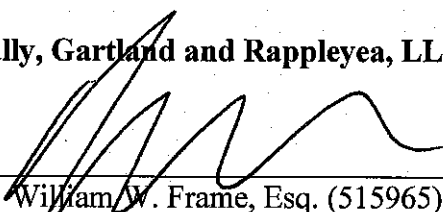
WHEREFORE, the Defendant respectfully requests that this Court enter a judgment dismissing the Plaintiff's Complaint in its entirety as against the Defendant, together with such other and further relief as this Court deems just and proper.

Dated: April 6, 2012
Poughkeepsie, New York

Respectfully Submitted,

Corbally, Gartland and Rappleyea, LLP

By: _____


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